

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.4966 OF 1999

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1. Whether reporters of local papers may be allowed to see the judgment ?
  2. To be referred to the reporters or not ?
  3. Whether their lordships wish to see the fair copy of the judgment ?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ?
  5. Whether it is to be circulated to the Civil Judge?

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DC NAYAK & ORS.  
VERSUS  
STATE OF GUJARAT & ANR.

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Appearance:

MR IS SUPEHIA for Petitioner

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Coram: MR.JUSTICE S.K. Keshote,J  
Date of order:15/08/1999

C.A.V. ORDER

#. Heard the learned counsel for the petitioners.

#. The petitioners are the store-keepers in the office of respondent No.2. They were granted higher grade scale of Rs.1640-2900 from different dates vide orders dated 5.7.99, 24.6.99 and 24.6.99 respectively. The higher grade scale which has been given has been cancelled and

recovery has also been ordered. The petitioners, through their Association, made a representation to respondent No.1 on 21.1.98 for grant of higher grade scale of Rs.1640-2900 which is pending. The orders aforesaid under which the higher grade pay scale given to the petitioners has been cancelled have been challenged by petitioners by this writ petition.

#. This writ petition cannot be entertained for the reason that the petitioners have efficacious alternate remedy available by way of Appeal under Section 11 of the Gujarat Civil Services Tribunal Act, 1972 and it has not been availed of.

#. The learned counsel for the petitioners submits that this order is not appealable but there is no substance in this contention. This is clearly a case of reduction of pay and it falls under clause-2 of the Schedule attached to the Act aforesaid and it is appealable under Section 11 of the said Act. If we glance on the Gujarat Civil Services (Discipline and Appeal) Rules, 1971, this order is appealable under Rule 18 thereof to the State Government. Reference in this respect may have to sub-clause (a) of clause (iv) of Sub-section 1 of Rule 18 of the Rules aforesaid.

#. In the result, this writ petition is dismissed only on the ground that the petitioners have efficacious alternative remedy in this matter.

(S.K.Keshote, J.)

[sunil]